

REMARKS

Applicant has received and reviewed the Final Office Action mailed by the Office on January 29, 2007 (hereinafter, "Final Action"), and submits this response to the Final Action.

Claims 1-12, 39, 42-44, and 46-48 remain pending in the present application. Applicant amends independent Claims 1, 39, and 46 to clarify claimed subject matter and/or correct informalities. The specification and drawings support these claim amendments at least at pages 13, 42-45, and in Figure 6. Therefore, these revisions introduce no new matter.

Applicant's amendments and remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

Claim Rejections 35 U.S.C. §101

Claims 1-12, 39, 42-44, and 46-48 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. The Office states these claims are not statutory because the claims are directed to software, per se, lacking storage on a medium, which enables any underlying functionality to occur.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claims 1, 39, and 46**, to clarify further features of the subject matter. These independent claims recite in part, "a

processor; and memory coupled to the processor”. This sets forth statutory subject matter which enables any underlying functionality to occur.

Dependent claims 2-12, 42-44, and 47-48 depend directly or indirectly from one of independent Claims 1, 39, and 46, and are allowable by virtue of this dependency. Applicant respectfully submits that the claims now comply with 35 U.S.C. §101, and as a result the non-statutory rejection is now moot. Accordingly, Applicant requests that the §101 rejections be withdrawn.

Claim Rejections 35 U.S.C. §102

Claims 1, 2, 4-12, 39, 43, 44, and 46-48 are rejected under 35 U.S.C. §102(e) as being anticipated under U.S. Patent No. 6,571,285 to Groath et al. (hereinafter “Groath”). Applicant respectfully traverses this rejection. Anticipation under §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference (MPEP §2131).

Independent Claim 1 recites an event management system comprising:

- a processor;
- memory coupled to the processor;
- a set of event consumers, each event consumer being configured to perform an action in response to an occurrence of an event, the set of event consumers including:
 - an email consumer configured to handle email messages;
 - a paging consumer configured to generate a page message;
 - an active scripting consumer configured to execute at least one script;
 - a log file consumer configured to record information in a log file;
 - an event log consumer configured to log messages to an event log; and
- a command line consumer configured to launch at least one process, wherein individual event consumers are configured to perform the action without requiring knowledge about a source of the event.**

Applicant respectfully submits that no such event management system is disclosed by Groath.

Reference Fails to Disclose A Command Line...Event

Groath is directed towards providing service assurance for a network to maintain an agreed upon Quality of Service (col. 2, lines 7-8). In Groath, an event correlation application uses behavior models to correlate network conditions, which is not an event management system, as recited in Applicant's Claim 1. In Groath, a data file is obtained from a host, which includes event data collected on a network and/or performance data collected on the network (col. 18, lines 7-9). There is a verification control file created associated with the data file (col. 18, lines 10-11). In contrast, Applicant's Claim 1 states "a command line consumer configured to launch at least one process, wherein individual event consumers are configured to perform the action without requiring knowledge about a source of the event". Consequently, Applicant respectfully submits that Claim 1 is not anticipated by Groath and requests that the §102 rejection be withdrawn.

Independent Claims 39 and 46 are directed towards systems, and each is allowable for reasons similar to those discussed above with respect to Claim 1. For example, Groath fails to disclose "operable to perform a first action responsive to a first event generated at a first individual event provider and to perform a second action responsive to a second event generated at a second different individual event provider", as recited in Applicant's **Claim 39**. Furthermore, Groath fails to disclose "perform actions

responsive to events that occur in the computing environment without requiring knowledge about the sources of events”, as recited in Applicant’s **Claim 46**.

Dependent Claims 2, 4-12, 43-44, and 47-48 depend directly or indirectly from one of independent Claims 1, 39, and 46, respectively, and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claims 1, 39, and 46, are not disclosed by Groath.

Thus, Applicant respectfully submits that as each and every feature is not disclosed, the claims are not anticipated by Groath. Applicant respectfully requests that the §102 rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

A. Claim 3 is rejected under 35 U.S.C. §103(a) for obviousness over Groath in view of a document entitled “Windows NT Event Logging” by Murray (hereinafter, “Murray”).

B. Claim 42 is rejected under 35 U.S.C. §103(a) for obviousness over Groath in view of an article entitled “Network PC System Design Guidelines” (hereinafter, “Network article”).

As explained above with respect to the rejection under 35 U.S.C. §102(e), Applicant submits that Groath fails to disclose the features of independent Claims 1, 39, and 46. **Dependent Claims 3 and 42** depend directly or indirectly from one of independent Claims 1 and 39, respectively, and are allowable by virtue of this dependency. These dependent claims are also allowable for their own recited features that, in

combination with those recited in Claims 1 and 39, are not taught, or suggested by Groath, Murray, or Network article.

References Fail to Teach or Suggest Features of Claim

First, Applicant asserts the Office has failed to establish a *prima facie* case of obviousness. All of the §103(a) rejection relies on Groath. The Office stated Groath does not mention “event log consumer is an NT event log consumer”. As explained above with respect to the rejection under §102(e), Applicant submits that Groath does not disclose “a command line consumer configured to launch at least one process, wherein individual event consumers are configured to perform the action without requiring knowledge about a source of the event”, as recited in Claim 1, which is the independent base claim for Claim 3.

Murray does not compensate for the deficiencies of Groath, as neither reference teaches or suggests the recited features of independent Claim 1, which Claim 3 depends on as a base claim. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103(a).

The Cited Art Provides No Suggestion or Motivation to Modify or Combine the References

Second, to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings (MPEP §2142). The Office stated the motivation for combining the methods of Groath and Murray is “because NT event logging services use of windows NT event

logging services API's would provide Groath system a platform dependent event logging". However, there is nothing in either of the references that would suggest this motivation. In addition, Groath already uses NT account (col. 16). Thus, there is no need to combine the two references. The asserted motivation relies on hindsight without evidence of teaching or suggestion to propose the suggested combination. Thus, this rejection is improper for this additional reason.

Applicant reviews the evidence and submits that the Office has failed to provide sufficient evidence to establish motivation for one of ordinary skill in the art, to modify the system of Groath to include Murray.

Dependent Claim 42 is allowable for reasons similar to those discussed above with respect to Claim 39, which is the independent base claim. For example, Groath and Network PC Article fail to teach or suggest "a command line consumer configured to launch at least one process, wherein individual event consumers are configured to perform the action without requiring knowledge about a source of the event", as recited in Applicant's Claim 39. **Dependent Claim 42** depends directly from independent Claim 39 and is allowable by virtue of this dependency.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests that the §103 rejections be withdrawn.

Conclusion

Claims 1-12, 39, 42-44, and 46-48 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: 4-30-2007

By: Shirley Lee Anderson
Shirley Lee Anderson
Reg. No. 57,763
(509) 324-9256 ext. 258